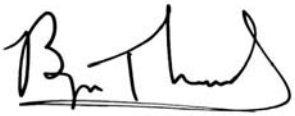




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 7	Number 10	Effective Date 12/12/08	Review Date 2011
Subject POLICE CANINE UTILIZATION		☐ New Order ☒ Re places G.O. 601-1, (01/28/05)	
References CALEA 41.1.4a VLEPSC OPR.01.09a, OPR.01.09b, OPR.01.09c General Order 1-01, Code of Conduct <u>Brown v. Commonwealth</u> , 15 Va. App. 1, 421 S.E. 2d 877 (1992) <u>Illinois v. Caballes</u> , 125 S.Ct. 834 (2005)			
		12/12/08	
Chief of Police of Designee		Date	

I. PURPOSE

The purpose of this directive is to establish the procedures and guidelines governing the use of trained Police Canine Teams.

II. POLICY

It is the policy of the Richmond Police Department to utilize trained police service canines and sworn police officers trained as canine handlers for the prevention and detection of narcotics, criminal activities, the apprehension of suspects in serious offenses, tracking, general evidence gathering, building searches and the protection of police officers and citizens from serious injury or death.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. POLICE SERVICE CANINE - Any canine utilized by the Department.
- B. PATROL CANINE - Police service canine **trained/certified** to search buildings, track

suspects and assist in the apprehension of suspect(s).

- C. NARCOTIC DETECTOR CANINE - Police service canine trained/***certified*** to search and alert/respond to the odor of illegal substances.
- D. EXPLOSIVES/WEAPONS DETECTOR CANINE – Police service canine trained/***certified*** to search and alert on certain ***odors of*** explosive substances.
- E. ***BLOODHOUND – Police service canine trained/certified to trail a specific person after being scented to the individual.***
- F. ***SCENT ARTICLE – An item used by the bloodhound team to get the smell of a specific individual that would allow the bloodhound to obtain their specific scent prior to starting a trail in search of the specific individual.***

V. PROCEDURE

A. Proper Utilization of Patrol Canine Teams:

The utilization of Patrol Canine Teams is authorized without supervisory approval in the following situations:

1. ***Dispatch*** - To respond on all alarm calls, insecure buildings, burglaries in-progress calls and any assist calls that are dispatched.
2. Tracking Operations - In felony and ***violent or potentially violent*** misdemeanor situations, to locate suspects, missing persons, stolen/abandoned property and instruments of a crime.
3. Building Searches - To search buildings believed burglarized and buildings utilized by a felony suspect to escape police apprehension.
 - a) Police officers shall not search a building if a Patrol Canine Team is available. The area may become inadvertently contaminated. Utilizing the patrol canine team to conduct building searches minimizes the probability of injury to an officer.
 - b) The patrol canine handler must be reasonably certain that the building being searched is clear of innocent persons.
 - c) The patrol canine may not be used "off lead" where there may be a small child, mentally incompetent person, physically incapacitated person present, or where there may be hazards to the canine (broken glass, dangerous chemicals, etc.).
4. Search and Seizure - Police service canines may be utilized to locate evidence during a search. The evidence may be seized when all legal requirements for such search and seizure have been met.

NOTE: The use of a narcotic detector canine is neither a search nor seizure under the 4th Amendment of the United States Constitution. The detection of the drugs by the canine may, however, supply the necessary probable cause for the search. ***The United***

States Supreme Court has held that the Fourth Amendment does not require reasonable articulable suspicion to justify using a narcotic detector dog to sniff a vehicle during a lawful traffic stop. Illinois v. Caballes (2005).

5. Felony Arrest - The patrol canine may be utilized to effect the arrest of any person the patrol canine handler has probable cause to believe has just committed, is committing or is attempting to commit a serious or violent offense, and it reasonably appears that the use of other means would result in serious injury to the officer, suspect or other persons.
 - a) If no other means of apprehension appear possible, the patrol canine may be used to effect the arrest or apprehend any fleeing suspect feloniously assaulting or attempting to assault the patrol canine handler, other police officers or other persons.
 - b) The patrol canine may be used to effect the arrest or apprehension of any suspect who is armed or believed armed and poses an immediate threat to any police officer or citizen.
6. Misdemeanor Situations - When requested, a patrol canine handler will respond, evaluate the situation and determine if the use of the patrol canine is appropriate. When there is no immediate danger to the patrol canine handler, other police officers or citizens, no aggressive use of the canine will be permitted.

NOTE: In all instances or circumstances where the police patrol canine is used to effect an apprehension, only that degree of force necessary may be used. The canine must be called off or otherwise restrained as soon as the suspect is in custody or no longer poses a serious threat.

B. Proper Utilization of Narcotic Detector Canine Teams:

1. The narcotic detector canines are trained in narcotic detection only, and are not suitable for use in any other endeavor or task. They cannot be used for building searches **for suspects**, tracking assignments or crowd control. They have had absolutely no utility training because such would render them unsuitable for narcotic detection.
2. The Canine Unit has two types of narcotic detector canines - Positive Response and Passive Response.
 - a) Positive Response –The positive response narcotic detector canine responds to the odor of an illegal narcotic by biting, digging and scratching at or near the odor of the illegal substance. The areas of utilization for the positive response narcotic detector canine are: vehicles (cars, trucks, etc.), buildings, planes, ships, storage facilities, lockers, and any other areas where illegal narcotics can be hidden. Positive response narcotic detector canines cannot be used to check people.
 - b) Passive Response – The passive response narcotic detector canine responds to the odor of an illegal narcotic by sitting. The areas of utilization for the passive response narcotic detector canine are: **couriers (people)**, buildings,

planes, ships, storage facilities, and any other area where illegal narcotics can be hidden. Passive response narcotic detector canines can be used to check the exterior of vehicles (cars, trucks, etc.) only. The passive response Narcotic detector canine will not be allowed to check the interior of vehicles.

3. Due to the nature of the different type of responses in the two narcotic detector canines, safety issues should be considered when a narcotic canine is summoned to conduct an open area search, because of the nature of the illegal narcotics and their effects. Narcotic detector canines should never come in direct contact with any illegal substance. In open areas, where drugs are usually quickly cast aside to avoid arrest, the canine could easily bite into and/or ingest the drug before the handler was aware of the detection, which could result in the death of the canine.

NOTE: In consideration for the safety of the narcotic detector canines, positive response canines will not be used to search open fields against the advice of the handler or the OIC of the Canine Unit. Passive response canines may be used to search open fields based on the advice of the handler.

C. Proper Utilization of Explosive/Weapons Canine Team:

1. The explosive/weapons detector canine is trained in the detection of black or smokeless powder, commercial dynamite, C-4 or Flex-X, TNT or Military Dynamite, primer cord, water-gel, firearms, ammunitions and trace firearms evidence.
2. The explosive/weapons detector canine can be utilized to search ***the exterior of*** vehicles, mail, parcels, cargo, freight, luggage, public transportation vehicles, buildings, lockers and open areas.

NOTE: The explosive/weapons detector canine cannot be utilized to establish probable cause for a search warrant strictly based upon a positive alert by the canine. The substances that this canine is trained to detect are LEGAL to possess in most situations.

3. The Explosive/Weapons Detector Team will be utilized to search for explosive devices at the scene of a bomb threat.
 - a) The explosive technicians will be called when the Explosive/Weapons Detector Team locates a device.
 - b) The explosive technicians must be called in situations relating to suspicious packages.

NOTE: The ***Night Supervisor/Area*** Watch Commander or ranking officer on the scene will notify DEC to have the ***Explosive Ordnance Unit (EOU)*** and explosive/***weapons*** detector ***canine*** called out for all suspect packages and explosive incident scenes where an initial detonation has occurred. ***EOU*** personnel along with the explosive/***weapons*** detector ***canine*** will check for the presence of secondary devices, unexploded material and to assist with post-blast investigation. For reasons of security and to reduce radio traffic on the scene, this communication should be made by telephone.

- c) An explosive technician will respond to all bomb threats or explosive-related incidents with the Explosive/Weapons Detector Team.
- 4. The Explosive/Weapons Detector Team can be utilized at crime scenes involving the use of firearms. The canine's ability will enhance the time and efficiency of the search for trace firearm evidence.
- 5. The Explosive/Weapons Detector Team will be utilized to search schools and other institutions for firearms.

D. Proper Utilization of the Bloodhound Team:

- 1. ***Trailing Operations – In felony, misdemeanor and missing persons situations, to locate a specific suspect or missing person when there is a scent article available which is known to have been worn or have been in the possession of the suspect or missing person.***
- 2. ***The Bloodhound Team is trained in trailing only, and is not suitable for use in any other endeavor or task. The Bloodhound Team cannot be used for building searches for suspects or crowd control. The bloodhound has absolutely no utility training.***

NOTE: The Bloodhound Team, while trailing a violent or potentially violent party, must be accompanied by a cover officer(s) and/or a Patrol Canine Team depending on the particular situation.

E. Use of Police Canine Teams in Special Circumstances:

Some circumstances warrant special consideration prior to the utilization of a Patrol Canine Team. These incidents shall be evaluated and the order to use the patrol canine shall be made by a supervisor. These circumstances may be, but are not limited to, the following:

- 1. After exhausting all other means of controlling the incident, to disperse an unruly, unlawful or riotous crowd after they have ignored an officer's command to disperse.
 - a) ***At NO time will Canine Teams be allowed to run into a disorderly crowd. They should be used only as a final line or to control the rear and/or flanks of a police formation.***
 - b) ***In a police crowd control formation, Canine Teams should be posted behind the officers' line and/or Mounted Units to assist in controlling the flanks, the rear of the formation and arrest teams.***
- 2. To detect and subdue a barricaded subject who may pose a serious a serious threat to life and/or property.
- 3. To deter a crowd from forming and protect the area where police officers are conducting a search of a crime scene.
- 4. In any instance where the Patrol Canine Team is used involving a crowd, the supervisor giving the command shall prepare a written report documenting the

circumstances, canine team(s) involved, names of other officers present and any arrest or injuries resulting from the action. This report shall be forwarded, through channels, to the Chief of Police. A copy of the report shall be sent to the **Night Supervisor/Area** Watch Commander at the time of the incident. The patrol canine handler involved shall prepare a written report documenting the instructions provided by the authorizing supervisor, the actions taken by the team and any apprehensions or injuries resulting from this action. This report shall be submitted to the OIC of the Canine Unit. Both reports must be submitted by the supervisor and by the canine handler prior to the end of their tour of duty.

5. If a canine handler is ordered by any supervisor to perform duties in conflict with prescribed training techniques, rules, regulations or directives, the canine handler shall immediately bring the conflict to the attention of the issuing supervisor. If the order is not altered or rescinded, it shall be obeyed. (See General Order **1-01**, Code of Conduct Rule No. 2 & 4.) The OIC of the Canine Unit shall be notified of the conflict as soon as possible.

F. Requests for Use of Police Canine Teams:

1. Outside of the City:
 - a) All requests for use of a police service canine outside of the City must be approved by the OIC of the Canine Unit. **If the OIC of the Canine Unit is not on-duty at the time of the request**, the **Night Supervisor/Area** Watch Commander on duty at the time **may approve** the request. Full and immediate consideration shall be given to all requests.
 - b) All canine teams, when authorized to provide service to jurisdictions outside of the City, shall be governed by the same rules, regulations and directives of the Richmond Police Department, as if performing that same service within the City.

2. During normal business hours and after business hours within City Limits:

Officers needing the service of a police service canine shall have the Division of Emergency Communication (DEC) check the Canine Unit line-up. If a canine is unavailable, **the DEC Operator working the affected precinct's radio channel will contact the DEC Supervisor**. The **DEC Supervisor** will contact the handler on-call. If the handler on-call cannot be reached, the **DEC Supervisor** will call the OIC of the Canine Unit.

G. Responsibilities of Canine Handlers at the Scene of a Crime or Other Incident:

1. Canine handlers shall be responsible for the tactical use of their police service canine unless **otherwise** directed by a police supervisor. (Canine handlers are reminded of the sometimes inflammatory nature of the mere presence of police service canines.)
2. The canine handler shall act in accordance with state, federal and local laws, Department training, rules and regulations and directives in the handling and deployment of the canine. The canine handler must be fully prepared to justify his/her actions and the actions of the police service canine.

3. When a Patrol Canine Team arrives on the scene where other officers are present and are having difficulty controlling the situation, the patrol canine handler shall not intervene with the patrol canine unless it appears necessary to prevent injury to the officers.
4. Patrol canine handlers shall keep their patrol canine on lead and under control at all times while on-duty except when justifiable situations arise, as directed in this order.
5. When the use of the police service canine is imminent, it shall be the responsibility of the canine handler to announce him/herself, so other officers and citizens will be aware of the presence of the canine team.

H. Reporting of Police Service Canine Bites:

1. Canine handlers shall immediately notify the OIC of the Canine Unit and the **Area** Watch Commander when their police service canine actually or allegedly bites an individual, whether the bite results in injury or property damage or not, whether on-duty or off-duty and regardless of the location of the incident.
2. In incidents of police service canine bites to an individual not in custody, the canine handler and/or the police supervisor present shall encourage the individual to seek medical attention and shall render any reasonable assistance. The canine handler shall complete the same reports that are required for canine bites to individuals in custody. The police supervisor shall also complete the same required reports with photographs of the subject's injuries.
3. In incidents of police service canine bites to any individual in custody or who is to be arrested, the individual shall be transported to the **VCU Medical Center** Emergency Room for treatment. The following shall be compiled by **OIC of the Canine Unit with the assistance of** the canine handler:
 - a) Four (4) copies of the Health Department's Animal Bite Report; one (1) copy shall be submitted to the Major of **Support** Services, one (1) copy submitted to the Internal Affairs Division, one (1) copy submitted to the OIC of the Canine Unit, and the original copy submitted to the Health Department.
 - b) Three (3) copies of the Use of Force Report (PD-35), one (1) copy submitted to the Major of **Support** Services, one (1) copy submitted to the Internal Affairs Division and one (1) copy submitted to the OIC of the Canine Unit.
 - c) A **Complainant/Officer Statement Form (PD-118)** shall be completed by any police officer who witnessed the bite. (Original and copies shall be distributed to the same destinations as the Animal Bite Report.)
 - d) The police supervisor shall take **digital** photographs of the injuries sustained and the original photographs shall be **e-mailed** with the **Canine Bite Report** (PD-4) to the Internal Affairs Division. **Printed copies** of the **digital** photographs shall be attached to the additional PD-4 forms.
 - e) Photographs must be taken even if there are no visible signs of injury to a complainant.

- f) All required reports are to be submitted prior to the end of the handler's tour of duty.

I. Reporting of Canines Activities:

1. The canine handler will submit the Canine Utilization Reports - ***Patrol Canines (K9-4); Narcotic Detector Canines (K9-6); Explosive/Weapons Detector (K9-15); and Bloodhound (K9-8)*** - detailing the patrol canine's participation on all requests for service to the OIC of the Canine Unit prior to the handler's end-of-tour of duty.
2. All Police Canine Teams (handlers and dogs) shall receive ***monthly re-training***. The Patrol Canine Teams shall receive 36 hours of training per month. The Detector Canine Teams shall also receive 36 hours of training per month. ***The Bloodhound Team shall receive 20 hours of training per month.***

VI. **ROLES AND ACCOUNTABILITY**

A. ***Responding Canine (including Bloodhound) Teams shall:***

1. ***Assist when dispatched by DEC and upon approval of supervision (without supervisory approval, provide assistance only in situations as specifically stated in this order);***
2. ***Effect felony arrests in situations as outlined in this order;***
3. ***In misdemeanor situations, respond, evaluate and determine if canine use is appropriate;***
4. ***Notify OIC Canine Unit and Area Watch Commander when bites or property damage occur(s);***
5. ***Render assistance and encourage medical treatment when incidents of police service canine bites occur to individuals not in custody;***
6. ***Ensure individuals are transported to MCV/VCU Emergency Room in instances where in-custody suspects are bitten by police service canines;***
7. ***Complete all required forms and written reports as directed in this order;***
8. ***Immediately report conflict of duties to the issuing supervisor and OIC of the Canine Unit; and,***
9. ***Receive designated monthly training.***

B. ***Canine Supervisor shall:***

1. ***Evaluate incident and authorize use of the patrol canine;***
2. ***Prepare written report documenting circumstances when Patrol Canine Team is involved in a crowd; and,***

3. *Take digital photographs of any injury sustained as a result of a police service canine bite and forward required documents to the Internal Affairs Division;*

C. *Area Watch Commander/Night Supervisor or Ranking Officer shall:*

1. *Contact DEC to request the Explosive Ordnance Unit when suspect packages are located or an initial explosive detonation has occurred; and,*
2. *Authorize the use of police service canine outside of city, when requested.*

D. *Explosive Ordnance Unit (EOU) shall:*

1. *Respond when notified by DEC;*
2. *Check for secondary devices and unexploded material;*
3. *Assist with post blast investigation; and,*
4. *Communicate by telephone only.*

E. *DEC shall:*

1. *Check canine line-up and dispatch teams when requested, and if available;*
2. *Contact handler-on-call when requested;*
3. *Contact OIC of the Canine Unit if handler cannot be reached; and,*
4. *Maintain an accurate and up-to-date handler-on-call listing.*

VII. **FORMS**

- A. *PD-4, (Canine Bite Report)*
- B. *PD-35, (Use of Force Report)*
- C. *K9-4, K9-6, K9-8, K9-15, (Canine Utilization Reports)*
- D. *City of Richmond Health Department Animal Bite Report*
- E. *PD-118, (Complainant/Officer Statement)*